

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**JOINT POST-HEARING SUBMISSION  
ON ADMISSION OF DEPOSITION  
DESIGNATIONS AND EXHIBITS INTO  
EVIDENCE**

Irving H. Picard (“the Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act 15 U.S.C. § 78aaa *et seq.* and the chapter 7 estate of Bernard L. Madoff (“Madoff”), and Participating Claimants (collectively with the Trustee, the “Parties”), state as follows:

**WHEREAS**, on January 19, 2018, the Court conducted an evidentiary hearing on the Trustee’s treatment of profit withdrawal transactions and on the claims determination objections of Aaron Blecker, including the live testimony of Robert Blecker, Lisa Collura, and Matthew

Greenblatt, as well as the submission of deposition designations on stipulation of the Parties with objections (the “Hearing”);

**WHEREAS**, the Court made rulings at the Hearing regarding the objections to the designated deposition testimony and the admission of same into evidence; and

**WHEREAS**, the Court directed the Parties to exchange lists of exhibits for admission into evidence with objections identified, if any.

**NOW, THEREFORE**, the Parties have conferred and jointly submit the following:

**I. STIPULATIONS AND OBJECTIONS WITH RESPECT TO DEPOSITION TRANSCRIPTS**

**A. Designated Deposition Testimony**

1. Pursuant to the Stipulation Regarding Designated Deposition Testimony and Admissibility of Certain Documents, ECF No. 17136 (“Deposition Designation Order”), as so ordered by this Court on January 17, 2018, the designated portions of the transcripts of Aaron Blecker, Winifler Jackson, Dorothy Khan, Alethea Leung, and JoAnn Sala<sup>1</sup> shall be admitted into evidence without objection.

2. Pursuant to the Court’s ruling during the Hearing, the Trustee’s objections to the designated portions of the deposition transcript of Bernard L. Madoff at 43:7-44:14, 45:5-46:25, and 62:12-64:15 are sustained and those portions shall not be admitted into evidence. The remainder of the designated portions of the deposition transcript of Bernard L. Madoff identified in the Deposition Designation Order shall be admitted into evidence without objection.

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<sup>1</sup> See Stipulation Regarding Designated Deposition Testimony and Admissibility of Certain Documents, ECF No. 17136, Attachments 1 and 2.

3. Pursuant to the Court's ruling during the Hearing, the Trustee's objections to the designated portions of the deposition transcript of Annette Bongiorno at 205:2-12 and 205:15-207:8 are sustained and those portions shall not be admitted into evidence. The remainder of the designated portions of the deposition transcript of Annette Bongiorno identified in the Deposition Designation Order shall be admitted into evidence without objection.

4. The deposition transcripts are identified in the parties' pre-marked exhibits as PCX-1 (Aaron Blecker), PCX-2 (Annette Bongiorno), PCX-3 (Winifler Jackson), PXC-4 (Dorothy Khan), PCX-5 (Alethea Leung), PCX-6 (Bernard L. Madoff), TX-239 (Joann Sala) (May 19, 2016), and PCX-7 (Joann Sala) (June 13, 2016).

## **II. EXHIBITS FOR ADMISSION INTO EVIDENCE**

5. The Parties have simultaneously exchanged lists of exhibits each seeks to move into evidence as part of the record.

6. The Parties have no objections to the following exhibits, and submit that these exhibits be moved into evidence without objection:

PCX-15
PCX-16
PCX-17
PCX-20
PCX-21
PCX-61

7. For the Court's review and consideration, the Trustee respectfully submits and moves for admission into evidence the following exhibits:

TX001	TX044	TX197	TX224
TX002	TX045	TX198	TX225
TX003	TX046	TX199	TX226
TX004	TX047	TX200	TX227
TX005	TX048	TX201	TX228
TX006	TX049	TX202	TX229
TX007	TX051	TX203	TX230
TX008	TX080	TX204	TX231
TX009	TX081	TX205	TX232
TX010	TX082	TX206	TX233
TX011	TX083	TX207	TX234
TX012	TX086	TX208	TX235
TX013	TX087	TX209	TX236
TX019	TX088	TX210	TX237
TX020	TX089	TX211	TX238
TX022	TX090	TX212	TX239
TX031	TX091	TX213	TXDEM005
TX032	TX092	TX214	TXDEM006
TX033	TX093	TX215	PCX015
TX035	TX097	TX216	PCX016
TX036	TX190	TX217	PCX017
TX037	TX191	TX218	PCX020
TX038	TX192	TX219	PCX021
TX040	TX193	TX220	PCX024
TX041	TX194	TX221	PCX031
TX042	TX195	TX222	PCX034
TX043	TX196	TX223	PCX061

8. A chart further detailing the Trustee's exhibits and any objections are set forth in Attachment A, attached hereto. Participating Claimants also rely on, and incorporate, their objections and legal arguments set forth in their Motions in *Limine*. See ECF Nos. 14361, 14362, 14363, 14592, 14594.

9. For the Court's review and consideration, the Participating Claimants respectfully submit and move for admission into evidence the following exhibits:

PCX-8	PCX-17	PCX-20	PCX-23	PCX-50	PCX-68
PCX-15	PCX-18	PCX-21	PCX-48	PCX-60	PCX-69
PCX-16	PCX-19	PCX-22	PCX-49	PCX-61	PCX-70

10. A chart further detailing the Participating Claimants' exhibits and any objections are set forth in Attachment B, attached hereto.

Dated: New York, New York  
January 31, 2018

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